IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

INCOME TAX REFERENCE No 223 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

CALAMA PUMPS P. LTD.

Versus

COMMISSIONER OF INCOME-TAX

Appearance:
MR NR DIVETIA for Petitioner
MR AKIL QURESHI with MANISH R BHATT for Respondent No. 1

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE M.S.SHAH

Date of decision: 07/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE M.S.SHAH)

In this reference, at the instance of the assessee, the following questions have been referred with reference to Assessment Year 1979-80 :-

"1. Whether on the facts and in the circumstances of the case, the Tribunal is right in law in holding that a sum of Rs.1,930/- or no part of it was allowable as deduction as against the income of the year under consideration ?

2. Whether on the facts and in the circumstances of the case, the Tribunal is right in law in holding that the interest of Rs.6,728/- paid to the Income-tax Deptt. u/s. 220(2) of the Act was not allowable as a deduction ?"

2. At the hearing of the reference, Mr NR Divetia, learned counsel for the assessee and Mr Akil Qureshi, learned counsel for the revenue state that question No. 1 is already answered against the assessee in the assessee's own case in Income Tax Reference No. 247/82 decided by this Court on 13.12.1985 and in Income Tax Reference No. 116/84 decided on 11.11.1998. Accordingly, we answer question No. 1 in the affirmative i.e. in favour of the revenue and against the assessee.

3. As far as question No. 2 is concerned, here also the learned counsel for the parties agree that the question in concluded against the assessee by the decision of this Court in Saraspur Mills Ltd. vs. CIT, (1997) 226 ITR 533. We accordingly answer this question also in the affirmative i.e. in favour of the revenue and against the assessee.

The reference stands disposed of accordingly with no order as to costs.

(D.M. Dharmadhikari, CJ)

(M.S. Shah, J.)

sundar/-